

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
ROBERT ROMANS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-10344-NMG
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

**MOTION TO VACATE DISMISSAL NISI AND TO ENTER DISMISSAL WITH
PREJUDICE FOR FAILURE TO PROSECUTE**

Pursuant to Fed. R. Civ. P. 41(b), the United States moves to vacate the dismissal nisi entered upon the settlement of this matter and requests that this Court enter judgment in favor of the United States on the ground that the Plaintiff has failed to prosecute this claim, pursuant to Fed. R. Civ. P. 41(b).

In support of this Motion, the United States submits the attached memorandum and exhibits.

Wherefore, the United States requests that this court vacate the dismissal nisi entered upon the parties' agreed settlement and enter a dismissal of the plaintiff's claims, with prejudice, for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Mark. J. Grady
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Certificate of Compliance

On October 16, 2006, I forwarded a letter to Plaintiff's counsel indicating that if the Plaintiff had not forwarded a copy of the executed settlement agreement by August 7, 2007, the United States would seek dismissal of this action on the ground that the plaintiff has abandoned his claims. I also followed up by email on August 13, 2007, copies are attached.

/s/ Mark. J. Grady
Mark J. Grady
Assistant U.S. Attorney

Certificate of Service

Review of the Docket reflects that the motion, memorandum and exhibits will be served on Plaintiff's counsel electronically.

/s/ Mark. J. Grady
Mark J. Grady
Assistant U.S. Attorney